

REMARKS

At the outset, Applicants wish to thank the Examiner for the courtesy extended to Applicants' attorney representatives in a phone interview of March 17, 2004. In particular, Applicants thank the Examiner for the very prompt preparation of an Interview Summary and delivery of the Interview Summary to Applicant's attorney representatives by facsimile transmission.

As indicated in the Interview Summary, during the interview the Examiner agreed that new claims 16-21 are allowable over the art of record as previously applied. Further, the Examiner stated that the application would be allowable if the earlier claims (claims 1-7 and 9-15) were cancelled and if no new art is found in a search update. In view of the Examiner's comments, Applicants have cancelled earlier claims 1-7 and 9-15. Claim 8 was cancelled in a previous amendment.

New claims 16-21 are pending in the application. Support for new independent claim 16 is found in previously presented claims 1, 3 and 5; in the specification at page 5, lines 10-13; and in Fig. 1. Support for new dependent claim 17 is found in Fig. 1. Support for new dependent claim 18 is also found in Fig. 1. Support for new claim 19 is found in the specification at page 7, lines 9-11. Support for new claim 20 is found in the specification at page 7, lines 11-16. Support for new claim 21 is found in the specification at page 7, lines 7-11, page 9, lines 15-22, and in Fig. 2.

Applicants respectfully submit that: (1) no new matter has been added to the application by the amendment; (2) the amendment resolves all issues raised by the Examiner in the Office Action dated October 21, 2003; (3) the subject matter of the amendment already has been included in the Examiner's search and therefore does not require the Examiner to perform further searching; (4) the amendment places the application in condition for allowance or in better condition for appeal; and (5) the amendment does not result in a net addition of claims to the application. Consequently, Applicants respectfully request that the Amendment After Final Rejection be entered in accordance with 37 C.F.R. §116 and MPEP 714.13.

Objection to the specification

The Examiner has objected to the specification for failure to provide proper antecedent basis for the claimed subject matter of claim 9. In view of cancellation of claim 9, objection to the specification is now moot.

Claim Rejections – 35 U.S.C. § 112 – Claims 1-7 and 9-15

The Examiner has rejected claims 1-7 and 9-15 under 35 U.S.C. § 112, second paragraph, as being indefinite. In view of cancellation of claims 1-7 and 9-15, rejection of claims 1-7 and 9-15 under 35 U.S.C. § 112, second paragraph is now moot.

Claim Rejections – 35 U.S.C. § 103

The Examiner has made multiple rejections covering claims 1-7 and 9-15. Claims 1, 3, 5, 7 and 9 were rejected as being unpatentable over JP 54-20547 in view of U.S. Patent No. 5,010,981 (Heikkinen). Claims 1-3, 5, 7 and 9 were rejected as being unpatentable over JP 54-20547 in view of DE 384281 (Mann *et al.*). Claims 1, 2 and 6 were rejected as being unpatentable over U.S. Patent No. 5,873,434 (Sugita *et al.*) in view of U.S. Patent No. 4,526,252 (Hirano). Claims 1, 3, 5-7, and 9 were rejected as unpatentable over U.S. Patent No. 5,435,209 (Wittur) in view of U.S. Patent No. 4,013,142 (Hagg). Claims 2, 4, 10, 12, 13, and 15 were rejected as unpatentable over Wittur in view of Hagg in further view of U.S. Patent No. 6,107,714 (Fischer). Claims 10, 12, 13 and 15 were rejected as unpatentable over JP 54-20547 in view of Mann *et al.* in further view of Fischer. Claims 11 and 14 were rejected as being unpatentable over Wittur in view of Hagg and Fischer in further view of U.S. Patent No. 6,202,793 (Fargo). In view of cancellation of claims 1-7 and 9-15, the multiple rejections of claims 1-7 and 9-15 under 35 U.S.C. § 103(a) are now moot.

New claims 16-21

Applicants have added new independent claims 16 and new dependent claims 17-21, each of which depends directly from claim 16. New claim 16 recites, *inter alia*:

a disc member having a plurality of posts to which external teeth gears are idly inserted, and serving as a side wall of a housing of the driving section...

Support for the above-recited portion of claim 16 is found in the specification at page 5, lines 10-13:

[t]he support member 22 is made up of one disc member having a plurality of posts 22a idly inserted into the external teathed gears 60, and the other disc member 22b.

Support for the above-recited passage is further found in Fig. 1, which shows the one disc member having the plurality of posts 22a forming a side wall of housing 11. Support for the remaining portions of new independent claim 16 are found in previously presented claims 1, 3 and 5.

New dependent claim 17 recites *inter alia*, “a motor having an axis of rotation, wherein said brake assembly overlaps with the motor in a plane normal to the axis of rotation.” Support for new dependent claim 17 is found in Fig. 1. In particular, Fig. 1 shows a motor comprising a stator 13 and a rotor 14, and having an axis of rotation (along the centerline of input shaft 21). Fig. 1 further shows a brake assembly 30 which overlaps with the motor in a plane normal to the axis of rotation.

New dependent claim 18 recites, *inter alia*, “wherein the plurality of posts are located on one side of the disc member.” Support for new dependent claim 18 is also found in Fig. 1. In particular, Fig. 1 shows the plurality of posts 22a being arranged on one side (the right hand side as viewed in Fig. 1) of the disc member.

New claim 19 recites, *inter alia*, “wherein the shielding body is slightly larger than an outer shape of the actuating device.” Support for new claim 19 is found in the specification at page 7, lines 7-11. At page 7, lines 7-11, the specification states:

the actuating device 1 is covered with a case body 54 which is a shielding body so as to be protected from bad weather and direct sunlight. The case body 54 which is slightly larger than an outer shape of the actuating device 1 is set lower than a height of an operator S.

New claim 20 recites, *inter alia*, “wherein the shielding body is sufficiently compact, accessible and light weight as to be readily detached from said rooftop when an operator conducts maintenance work on the actuating device.” Support for new claim 20 is found in the specification at page 7, lines 11-16:

[t]herefore, when the operator conducts a maintenance work of the actuating device 1, he need not enter into the case body 54, but he

can work from outside opening a door (not shown) provided in the case body 54, or can detach the case body 54 from the rooftop 50 and expose the actuating device 1 to do the work.

New claim 21 recites, *inter alia*, “wherein an installation area of the actuating device is smaller than a cross sectional area of the cage.” Support for new claim 21 is found in the specification on page 7, lines 7-11, as discussed above. Further support can be found on page 9, lines 15-22, wherein the specification discloses,

[The] actuating device can be designed to be thin in an axial direction of the input shaft 21 as compared with the conventional actuating device. When the actuating device 1 capable of being designed to be thin and compact in this way is installed on the rooftop 50 of the building, there is no need of providing the large-sized machine room as in the conventional case, but the small case body 54 to cover the actuating device will be sufficient.

Further support can be found in Fig. 2, which shows the actuating device 1 having a cross-sectional width that is less than the cross-sectional width of the cage 52.

As agreed by the Examiner in the interview conducted on March 17, 2004, the prior art of record as previously applied fails to teach, suggest or disclose an elevator apparatus as described by claims 16-21. Accordingly, Applicants respectfully request allowance of new claims 16-21.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 16-21, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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